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Jc586 U.S. PTO

Please type a plus sign (+) inside this box ☐

Attorney Docket P1084R1C1
PATENT

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CERTIFICATION UNDER 37 CFR 1.10

EL 141 796 666 US: Express Mail Number

January 11, 2000: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Pamela Gavette
Pamela Gavette

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

Jc678 U.S. PTO
09/480977
01/11/00

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Paul J. Godowski, Burlingame, California
Melanie Rose Mark Burlingame, California
Dong Xiao Zhang Burlingame, California

Title: **ErbB4 RECEPTOR-SPECIFIC NEUREGULIN RELATED LIGANDS AND USES THEREFOR**

1. Type of Application

- [] This application is for an original, non-provisional application.
- [] This is a non-provisional application claiming priority to provisional application no. __, filed __, the entire disclosure of which is hereby incorporated by reference.
- [X] This is a [] continuation-in-part [X] continuation [] divisional application claiming priority to application Serial Number 08/899,437, filed 24 July 1997, the entire disclosure of which is hereby incorporated by reference.

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)

86 pages of specification
5 pages of claims
1 page(s) of abstract
8 sheet(s) of drawings
[x] formal [] informal

0946097 "01.1.00

3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)

☐ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)

☒ A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)

☐ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)

☐ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

(for cont./div.)

☒ The prior application is assigned of record to Genentech, Inc.

5. Amendments (for continuation and divisional applications)

☒ Cancel in this application original claims 2, 3, 5-38 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

☒ Amend the specification by inserting before the first line the sentence:

--This is a

☐ non-provisional application

☒ continuation

☐ divisional

☐ continuation-in-part

of co-pending application(s)

☒ Serial No. 08/899,437 filed on July 24, 1997, which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --

03460370

A1

_____ International Application _ filed on __ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.—

_____ provisional application No. _ filed __, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.—.

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$690.00
Total Claims	2	- 20 =	0	X \$18.00	\$0.00
Independent Claims	1	- 3 =	0	X \$78.00	\$0.00
_____ Multiple dependent claim(s), if any				+ \$260.00	\$0.00
Filing Fee Calculation					\$690.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$690.00. **A duplicate copy of this transmittal is enclosed.**

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

9. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☐ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

_____ A petition, fee and/or response has been filed to extend the term in the pending prior application until

0943097-04400

_____ A copy of the petition for extension of time in the **prior** application is attached.

11. Correspondence Address:

X Address all future communications to:

GENENTECH, INC.
Attn: Deirdre L. Conley, Ph.D.
1 DNA Way
South San Francisco, CA 94080-4990
(650) 225-2066

Respectfully submitted,
GENENTECH, INC.

Date: January 10, 2000

By:

Deirdre L. Conley, Ph.D.
Reg. No. 36,487

1 DNA Way
So. San Francisco, CA 94080-4990
Phone: (650) 225-2066
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AMERICAN TYPE CULTURE COLLECTION
12301 Parklawn Drive
Rockville, Maryland 20852 USA

Telephone: 301/231-5519
FAX: 301/816-4366

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09/480977
01/11/00

FACSIMILE

Date: October 7, 1997

To: Delirdre L. Conley
Genentech, Inc.

Fax Number: 1-650-952-9881

Total number of pages including this page: One (1)

From: ATCC Patent Depository

Reference: Patent Deposit on behalf of Genentech, Inc. (Ref. Docket No. PR1091)

pRK5B-based plasmid DNA27865-1091 (Ref. Docket No. PR1091) assigned ATCC 209296, and

Plasmid pRK5.tk.neo.hNRG3B2 (Ref. Docket No. P1084rl and PR1084) assigned ATCC 209297.

Date of deposit September 23, 1997. Paperwork will be forwarded to you in a few days.

An invoice will be sent under separate cover as follows:

One time fee - 30 years	\$ 1,200.00
Informing of Requesters	720.00
Viability Test	<u>300.00</u>

Total amount due to ATCC 209296-209297 \$ 2,220.00

Barbara M. Hailey

Barbara M. Hailey, Administrator, ATCC Patent Depository
Telephone: 301/231-5519

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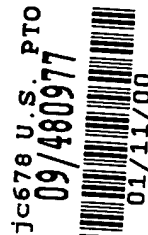
FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/899,437	07/24/97	1642	\$1,296.00	P1084R1	8	38	2

GENETECH INC
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080-4900



Receipt is acknowledged of this patent application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s) PAUL J. GODOWSKI, BURLINGAME, CA; MELANIE ROSE MARK,
BURLINGAME, CA; DONG XIAO ZHANG, BURLINGAME, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-
PROVISIONAL APPLICATION NO. 60/052,019 07/09/97

FOREIGN FILING LICENSE GRANTED 10/31/97

TITLE

ERBB4 RECEPTOR-SPECIFIC NEUREGULIN RELATED LIGANDS AND USES THEREFOR

PRELIMINARY CLASS: 435

RECEIVED

MAY 20 1998

GENENTECH, INC. LEGAL DEPT.



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 908-768 ATCCROVE • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

Jc678 U.S. PTO
09/480977
01/11/00

To: (Name and Address of Depositor or Attorney)

Genentech, Inc.
Attn: Sean A. Johnston
1 DNA Way
So. San Francisco, CA 94080

RECEIVED
AUG 06 1997
GENENTECH, INC.
LEGAL DEPT.

Deposited on Behalf of: Genentech, Inc. (Ref. Docket P1084)

Identification Reference by Depositor:

ATCC Designation

Plasmid pRK5.tk.neo.hNRG3B2
Plasmid pLXSN.mNRG3
Plasmid pRK5.tk.neo.hNRG3B1

209155
209156
209157

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received July 22, 1997 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 30, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey

Barbara M. Hailey, Administrator, Patent Depository

Date: July 30, 1997

cc: Dirdre L. Conley



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

Jc678 U.S. PTO
09/480977
01/11/00

To: (Name and Address of Depositor or Attorney)

Genentech, Inc.
Attn: Janet E. Hasak
1 DNA Way
So. San Francisco, CA 94080-4990

Deposited on Behalf of: Genentech, Inc.

Identification Reference by Depositor:

ATCC Designation

pRK5B-based plasmid DNA27865-1091 (Ref. Docket No. PR1091)	209296
Plasmid pRK5.tk.neo.hNRG3B2 (Ref. Docket No. P1084rl and PR1084)	209297

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received September 23, 1997 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 6, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: October 6, 1997

cc: Deirdre L. Conl y